

15. (Three Times Amended) An apparatus comprising:

a semiconductor substrate having a transistor device formed thereon, the transistor device having a gate dielectric disposed directly between a surface of the substrate and a gate electrode comprising:

a first dielectric material having a first dielectric constant;  
a second dielectric material having a second dielectric constant different from the first dielectric constant; and  
the first and second dielectric materials being scalable for a feature size technology having a gate length in the range of 25-150 nm.

#### REMARKS

In response to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this response Applicant amends claims 8 and 15. No claims have been canceled or added. Accordingly, claims 8-21 are pending.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version With Markings to Show Changes Made."

#### I. Claims Rejected Under 35 U.S.C. §112, Second Paragraph

Claims 8-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that the phrase "scalable for a feature size technology" found in the independent claims is vague and that it is unclear as to what dimensional parameters are encompassed by the term "scalable." Further, the Examiner states that the term "feature size technology" is vague because it is unclear as to what devices are included in such a technology. Independent claims 8 and 15 have been amended to clarify that the first and second dielectric materials are scalable for feature size technology having a gate length in the range of 25-150 nm. See table I on page 11. Further, it would be clear to one of ordinary skill in the art reading the claims, in light of the invention, that the term "feature size technology" would encompass all the